

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7178

BILL NUMBER: HB 1197

NOTE PREPARED: Jan 10, 2004

BILL AMENDED:

SUBJECT: Admissibility of Videotape of a Senior Citizen.

FIRST AUTHOR: Rep. Dickinson

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: Local

Summary of Legislation: The bill provides that a statement or videotape made by an individual at least 65 years of age is admissible in certain criminal trials if:

- (1) the statement or videotape is reliable; and
- (2) the individual either testifies at trial or is unavailable.

It expands the class of criminal cases in which an individual's statement or videotape may be admissible to include battery, theft, conversion, exploitation of a dependent or endangered adult, and child exploitation.

Effective Date: July 1, 2004.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Under current law, a protected person is defined as being younger than 14 years of age or being a mentally disabled individual. If a protected person testifies outside the presence of a jury and with the accused person allowed to be present at the hearing and the session is videotaped, then the protected person is not required to testify again and the video taped testimony can be used instead. From the standpoint of court time, this provision gives the court more flexibility to schedule future hearings and to make more timely decisions because the court will not have to depend on the attendance of the protected person in a future hearing. This procedure is currently allowed in the following types of criminal cases: sex crimes, battery, kidnapping and confinement, incest, neglect of a dependent, or an attempt to commit any of these offenses.

This bill could increase court flexibility in two ways:

- By allowing persons over 65 years of age to testify before a court only once, if the testimony is video taped; and
- By allowing this procedure in criminal cases involving theft, conversion, exploitation of a dependent or endangered adult, or child exploitation.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial Courts.

Information Sources:

Fiscal Analyst: Mark Goodpaster, 317-232-9852.